



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

ALEXANDER BELESON, :

Defendant. :

----- x

ORDER

S1 11 Cr. 614 (VM)

WHEREAS, with defendant ALEXANDER BELESON's consent,
his guilty plea allocution was taken before United States
Magistrate Judge Henry B. Pitman on March 28, 2013;

WHEREAS a transcript of the allocution was made and
thereafter was transmitted to the District Court; and

WHEREAS, upon review of that transcript, this Court has
determined that the defendant entered the guilty plea knowingly
and voluntarily, and that there was a factual basis for the
guilty plea;

IT IS HEREBY ORDERED that the defendant's guilty plea
is accepted.

Dated: New York, New York
April 22, 2013

A handwritten signature in black ink, appearing to read "Victor Marrero", written over a horizontal line.

HON. VICTOR MARRERO
United States District Judge
Southern District of New York

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

11 Cr. 614 (VM)

5 ALEXANDER BELESON,

6 Defendant.

7 -----x

8 March 28, 2013

9 12:15 p.m.

10 Before:

11 HON. HENRY B. PITMAN,

12 Magistrate Judge

13
14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
17 Southern District of New York

BY: JOHN COHEN

18 Assistant United States Attorney

19 ALBERT DAYAN

20 Attorney for Defendant

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1 (In open court)

2 THE DEPUTY CLERK: United States v. Alexander Beleson.
3 Counsel, please state your name for the record.

4 MR. COHEN: John Cohen on behalf of the government.
5 Good morning, your Honor.

6 MR. DAYAN: For Mr. Beleson, I'm Albert Dyan. Good
7 afternoon, Judge.

8 THE COURT: Good afternoon.

9 Mr. Beleson, are you able to hear the interpreter
10 through the headset? Yes?

11 THE DEFENDANT: Yes.

12 THE COURT: Mr. Beleson, if at any time you can't hear
13 the interpreter, if you have any problem with the headset, if
14 you have any problem understanding what is being said, tell
15 Mr. Dyan, poke him in the arm, so that we know immediately and
16 we will try to correct any problems. It is very important that
17 you understand every word that is said here today. All right.

18 The first order of business will be for Mr. Hampton to
19 swear the interpreter.

20 (Interpreter sworn)

21 THE COURT: I understand there is an application on
22 behalf of Mr. Beleson.

23 MR. DAYAN: Yes, Judge. There is an application on
24 behalf of Mr. Beleson. He has authorized me to withdraw his
25 previously entered plea of not guilty and enter a plea of

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1 guilty to Count Seven of the indictment in satisfaction of the
2 two counts for which he is indicted presently. That is, Count
3 Six and Seven. The former charging him with visa fraud and the
4 latter, the one to which he is pleading guilty to, is a count
5 of immigration fraud.

6 THE COURT: My understanding is Count Seven charges
7 him with conspiring to transport, harbor and induce the entry
8 of an alien in violation of the immigration laws.

9 MR. DAYAN: Yes.

10 THE COURT: At this time let me ask Mr. Hampton to
11 place two documents before Mr. Beleson. There is a document
12 entitled consent to proceed before a United States magistrate
13 judge on a felony plea allocution and a document in the form of
14 a letter marked Court Exhibit 1.

15 Mr. Beleson, two documents have been placed before
16 you. First I want to discuss with you the one-page document
17 entitled consent to proceed before a United States magistrate
18 judge.

19 Do you see the one-page document, sir?

20 THE DEFENDANT: Yes.

21 THE COURT: Does your signature appear on the bottom
22 of that document?

23 THE DEFENDANT: Yes (in English).

24 THE COURT: Did you read it before -- excuse me. Was
25 the document translated for you into your native tongue before

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1 you signed it?

2 THE DEFENDANT: Yes (in English).

3 THE COURT: Did you discuss it with your attorney
4 before you signed it?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you understand that you have the right
7 to have your guilty plea taken by a district court judge
8 instead of a magistrate judge?

9 Do you understand you have that right?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand that by signing that
12 piece of paper you are consenting to have your plea taken by a
13 magistrate judge and giving up your right to have your plea
14 taken by a district court judge?

15 Do you understand that is the effect of your signature
16 on that piece of paper?

17 THE DEFENDANT: Yes.

18 THE COURT: Has anyone made any promises to you or has
19 anyone made any threats to you or has anyone used any force
20 against you to induce you to consent to proceed before a
21 magistrate judge?

22 I'm sorry. Was there an answer?

23 THE DEFENDANT: No.

24 THE COURT: There is a second document before you in
25 the form of a letter marked Court Exhibit 1.

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1 Do you see Court Exhibit 1?

2 THE DEFENDANT: Yes.

3 THE COURT: Does your signature appear on the last
4 page of Court Exhibit 1?

5 THE DEFENDANT: Yes.

6 THE COURT: Was Court Exhibit 1 translated for you
7 into your native tongue before you signed it?

8 THE DEFENDANT: Yes.

9 THE COURT: Did you discuss Court Exhibit 1 with your
10 attorney before you signed it?

11 THE DEFENDANT: Yes.

12 THE COURT: And is Court Exhibit 1 an agreement with
13 the government concerning your guilty plea?

14 THE DEFENDANT: Yes.

15 THE COURT: Thank you.

16 Mr. Hampton, would you please bring both documents
17 back up.

18 Would you please place Mr. Beleson under oath.

19 (Defendant sworn)

20 THE COURT: Mr. Beleson, you have now been placed
21 under oath. If you make a false statement during these
22 proceedings, you could be prosecuted for perjury.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Mr. Beleson, the law requires that I ask

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1 you a number of questions to ensure that your plea is knowing
2 and voluntary in all respects, to ensure that you understand
3 what you are doing here today and to ensure that you understand
4 the consequences of what you are doing.

5 If you don't understand any question that I ask you,
6 tell me that you don't understand the question and I will
7 either try to clarify the question or give you a chance to
8 speak with your attorney so that you understand exactly what is
9 being asked of you.

10 In addition, if at any time during these proceedings
11 you want to speak to your attorney for any reason whatsoever,
12 just tell me that you want to speak with your attorney and I
13 will give you the chance to speak with him privately.

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Would you please state your full name.

17 THE DEFENDANT: Alexander Beleson.

18 THE COURT: How old are you, sir?

19 THE DEFENDANT: 55.

20 THE COURT: How far did you get in school?

21 THE DEFENDANT: Higher education.

22 THE COURT: Higher education?

23 THE DEFENDANT: Yes.

24 THE COURT: How many years of education did you have?

25 THE DEFENDANT: Eight years at school and institute of

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1 higher learning after that.

2 THE COURT: Have you recently been treated for any
3 type of mental illness?

4 THE DEFENDANT: No.

5 THE COURT: Have you recently been treated for drug
6 addiction of any kind?

7 THE DEFENDANT: No.

8 THE COURT: Have you recently been treated for
9 alcoholism?

10 I'm sorry. Was there an answer?

11 THE DEFENDANT: No.

12 THE COURT: Have you had any beer, wine or liquor
13 within the last 24 hours?

14 THE DEFENDANT: I drank a beer at the airport.

15 THE COURT: When did you drink the beer? What time?

16 THE DEFENDANT: In Los Angeles before departure.

17 THE COURT: You flew from Los Angeles last night?

18 THE DEFENDANT: Yes.

19 THE COURT: And about what time did you have the beer?

20 THE DEFENDANT: I believe I was leaving yesterday
21 around noon.

22 THE COURT: So it is currently 20 after 12 here. So
23 it is about 21 hours, I would estimate.

24 As you sit here today, are you feeling any effects
25 from the beer or any other drinks?

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1 THE DEFENDANT: No.

2 THE COURT: Have you taken any kind of drugs or
3 medication, legal or illegal, within the last two days?

4 THE DEFENDANT: Once a day I take a medication against
5 cholesterol.

6 THE COURT: Is there anything about that medication
7 that makes you sleepy or drowsy or affects your ability to
8 think or to understand?

9 THE DEFENDANT: No.

10 THE COURT: Apart from cholesterol, are you currently
11 being treated by a doctor or other health care provider for any
12 other condition?

13 THE DEFENDANT: No.

14 THE COURT: In general, do you feel clearheaded today
15 and able to understand what is going on around you?

16 THE DEFENDANT: Yes.

17 THE COURT: Is either the government or defense
18 counsel aware of any physical, psychological or emotional
19 condition that might prevent Mr. Beleson from entering a guilty
20 plea today?

21 MR. COHEN: No, your Honor.

22 MR. DAYAN: None from the defense.

23 THE COURT: Mr. Beleson, have you received a copy of
24 indictment S1 11 Cr. 614 which has been filed against you?

25 THE DEFENDANT: Yes.

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1 THE COURT: And has the indictment been translated for
2 you into your native tongue?

3 THE DEFENDANT: Yes.

4 THE COURT: Have you had a chance to discuss the
5 charges against you with your attorney, Mr. Dyan?

6 THE DEFENDANT: Yes.

7 THE COURT: Are you generally satisfied with
8 Mr. Dyan's representation of you in this case and with the
9 advice that he's given to you?

10 THE DEFENDANT: Yes.

11 THE COURT: And is it your intention here today to
12 plead guilty to Count Seven of the indictment?

13 THE DEFENDANT: Yes.

14 THE COURT: I want to discuss with you briefly the
15 nature of the charge against you in Count Seven, the elements
16 the government would have to prove beyond a reasonable doubt in
17 order to establish your guilt and the penalties you face if
18 your plea is accepted.

19 Do you understand that Count Seven charges you with
20 conspiring or agreeing with others to transport, harbor and
21 induce illegal aliens, all in violation of Title 8, United
22 States Code, Section 1324?

23 Do you understand that is the general nature of the
24 charge against you in Count Seven?

25 THE DEFENDANT: Yes.

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1 THE COURT: Do you understand that in order to
2 establish your guilt the government would have to prove two
3 elements beyond a reasonable doubt. First, that there was an
4 agreement or conspiracy between two or more people to either
5 transport illegal aliens, to harbor illegal aliens or to induce
6 illegal aliens to enter the United States; and, second, the
7 government would have to prove that you knowingly entered into
8 and became part of that agreement with knowledge of its illegal
9 object.

10 Do you understand those are the elements the
11 government would have to prove beyond a reasonable doubt to
12 establish your guilt?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand that if your plea is
15 accepted, you face a maximum sentence of five years'
16 imprisonment, a maximum term of supervised release of three
17 years, a maximum fine of the greatest of \$250,000 or twice the
18 gross pecuniary gain derived from the offense or twice the
19 gross pecuniary loss to persons other than yourself, and a
20 mandatory special assessment of \$100.

21 Do you understand those are the penalties you face if
22 your plea is accepted?

23 THE DEFENDANT: I understand.

24 THE COURT: Do you understand that under the
25 Sentencing Reform Act of 1984 the United States Sentencing

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1 Commission has issued advisory guidelines for judges to consult
2 in imposing sentences in criminal cases?

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Have you and your attorney discussed how
6 the guidelines might apply in your case?

7 THE DEFENDANT: Yes.

8 THE COURT: And do you understand that the court will
9 not be able to determine the appropriate guideline range for
10 your case until a document called a presentence report has been
11 prepared and until both you and the government have had the
12 opportunity to review the report and make any challenges you
13 have to the facts in the report and to the guideline range
14 recommended by the Probation Department?

15 Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: And do you understand that the guideline
18 range found to apply in your case may turn out to be different
19 from any range you discussed with your attorney or any range
20 your attorney has agreed to with the government?

21 Do you understand that?

22 THE DEFENDANT: I understand.

23 THE COURT: And do you understand that after your
24 guideline range has been determined, the court has the
25 authority to depart from the guidelines and to impose a

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1 sentence that is either more severe or less severe than the
2 sentence called for by the guidelines?

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you understand that parole has been
6 abolished in the federal system and that if you are sentenced
7 to a term of imprisonment, you will not be released on parole?

8 Do you understand that?

9 THE DEFENDANT: What does it mean?

10 THE COURT: Parole formerly was a form of early
11 release under which a sentenced prisoner could be released
12 after serving a fraction of his sentence. In some cases under
13 parole an individual could be released after serving about
14 one-third of his sentence. But that provision of the law
15 permitting early release on parole no longer exists.

16 You understand that parole no longer exists?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand that if supervised
19 release was imposed as part of your sentence and you violate
20 any term of the supervised release, you could be returned to
21 jail for the full term of the supervised release with no credit
22 being given for the time spent on release up to the date of the
23 violation?

24 Do you understand that?

25 THE DEFENDANT: Yes.

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1 THE COURT: Do you understand that as part of your
2 agreement with the government you are agreeing that the
3 appropriate sentencing range is six to 12 months of
4 imprisonment and you are giving up any right you might
5 otherwise have to challenge your sentence so long as the
6 sentence is not greater than 12 months?

7 Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you understand that if Judge Marrero,
10 the judge who is going to sentence you in this case, were to
11 impose a sentence of less than six months, the government could
12 appeal from that sentence and seek a sentence within the agreed
13 range of six to 12 months?

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you understand that your agreement with
17 the government concerning sentencing is not binding on Judge
18 Marrero and that Judge Marrero retains the power to impose any
19 legal sentence, including a sentence of up to five years'
20 imprisonment?

21 Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: And do you understand that if Judge
24 Marrero were to impose a sentence of greater than 12 months,
25 you could appeal from the sentence and seek a sentence within

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1 the agreed range of six to 12 months but that you would not be
2 permitted to withdraw your guilty plea simply because the
3 sentence was longer than you expected.

4 Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Mr. Beleson, a plea to a felony can also
7 have immigration consequences for individuals who are not U.S.
8 citizens. In light of that fact, let me ask you, are you a
9 U.S. citizen?

10 THE DEFENDANT: Yes.

11 THE COURT: I want to discuss with you some of the
12 rights you are giving up by pleading guilty this afternoon. Do
13 you understand that you have the right to plead not guilty to
14 the charges against you and you have the right to persist in
15 that plea at all stages of the proceedings against you?

16 Do you understand you have those rights?

17 THE DEFENDANT: I understand.

18 THE COURT: Do you understand that if you chose to
19 plead not guilty, you would have the right to the assistance of
20 counsel at all stages of the proceedings against you and you
21 would have the right to have counsel appointed for you if you
22 could not afford counsel?

23 Do you understand you have those rights?

24 THE DEFENDANT: I understand.

25 THE COURT: Do you understand that if you chose to

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1 plead not guilty, you would have the right to a trial by jury.
2 At the trial you would be presumed innocent and the government
3 would have to prove your guilt beyond a reasonable doubt.

4 At a trial, you would have the right to the assistance
5 of counsel. You would have the right to have counsel appointed
6 if you could not afford counsel. You would have the right to
7 see and hear all the witnesses against you and you would have
8 the right to have those witnesses cross-examined or questioned
9 in your own defense.

10 At a trial, you would have the right to testify and
11 the right to offer evidence in your defense. Conversely, you
12 would also have the right to decline to testify or to decline
13 to offer evidence; and if you chose not to testify or chose not
14 to offer evidence, those facts could not be used against you.

15 Finally, at a trial you would have the right to the
16 issuance of compulsory process or court orders to compel
17 witnesses to come to court and give testimony in your behalf.

18 Do you understand you would have all those rights if
19 you chose to plead not guilty and go to trial?

20 THE DEFENDANT: I understand.

21 THE COURT: And do you understand that by entering a
22 plea of guilty there will be no trial and you will be giving up
23 your right to a trial as well as all the other rights
24 associated with a trial that I have just described to you?

25 Do you understand you are giving up all those rights?

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1 THE DEFENDANT: Yes.

2 THE COURT: Apart from the agreements that are set
3 forth in Court Exhibit 1, the letter agreement you identified
4 at the outset of these proceedings, has anyone made any other
5 promises to you or has anyone made any threats to you or has
6 anyone used any force against you to induce you to plead
7 guilty?

8 THE DEFENDANT: Nobody.

9 THE COURT: And are you pleading guilty because you
10 are in fact guilty?

11 THE DEFENDANT: Yes.

12 THE COURT: Can you tell me, please, what it is you
13 did that makes you guilty of the offense charged in Count Seven
14 of indictment S1 11 Cr. 614.

15 THE DEFENDANT: I invested money into a gentleman's
16 club where women worked and those women didn't have the right
17 to work there.

18 THE COURT: And --

19 MR. DAYAN: He is not finished yet, your Honor.

20 THE COURT: OK. I'm sorry.

21 THE DEFENDANT: Because as it turned out, they arrived
22 in this country on a student visa and then it turned out that
23 they were short of money so they came to our club and they
24 worked the evenings.

25 THE COURT: And --

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1 THE DEFENDANT: But in reality, they had no right to
2 do that because student visa does not allow, does not allow
3 them to work. And there was a situation when one guy brought a
4 girl and I personally paid him for that.

5 THE COURT: At the time -- I'm sorry.

6 MR. DAYAN: He is not finished, your Honor.

7 THE COURT: I'm sorry. I'm sorry.

8 THE DEFENDANT: That girl did have a student visa and
9 I realized, I understood that she had no right to be employed.
10 But nevertheless I accepted her for work.

11 THE COURT: Mr. Dyan, is he finished?

12 MR. DAYAN: We are finished, Judge. Thank you.

13 THE COURT: Where did you invest in this club?

14 THE DEFENDANT: When?

15 THE COURT: Where? Where was the club located?

16 THE DEFENDANT: It was located in Long Island. The
17 name of the club was Lucians.

18 THE COURT: When did you invest in this club?

19 THE DEFENDANT: That is when we bought it with
20 partners.

21 THE COURT: I'm sorry?

22 THE DEFENDANT: That is when we bought it with
23 partners.

24 THE COURT: When was that?

25 THE DEFENDANT: I believe it was in October, 2011.

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1 THE COURT: And the girl who you accepted for
2 employment who did not have authorization to work, when did you
3 accept her for employment?

4 THE DEFENDANT: I believe it was in January 2012.

5 MR. DAYAN: On or about.

6 THE DEFENDANT: Maybe a little later.

7 MR. COHEN: A moment, your Honor.

8 THE COURT: Pardon?

9 MR. COHEN: May I have a moment, your Honor?

10 THE COURT: Well, I was about to ask you whether
11 further inquiry needs to be made, but go ahead.

12 MR. COHEN: Thank you, your Honor.

13 (Pause)

14 THE DEFENDANT: I believe it was January, 2011.

15 THE COURT: Do we need a waiver as to venue and have
16 the elements -- two questions for the government. Do we have a
17 waiver as to venue and have the elements been allocuted to?

18 MR. COHEN: Judge, the government proffers that it
19 would be able to prove venue. This is a conspiracy, Count
20 Seven, to transport, harbor and induce entry of illegal aliens.
21 The government would prove acts by coconspirators in the
22 Southern District of New York, and the government's
23 understanding of the law is that if venue is not raised that it
24 would be waived in any event.

25 Secondly, as to the elements, the government does

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1 believe that the allocution is sufficient.

2 THE COURT: Just to make sure there is not a problem.
3 Mr. Dyan, am I correct in my understanding that the defendant
4 is consenting to venue here?

5 MR. DAYAN: He is, Judge.

6 THE COURT: And does the government represent that it
7 has facts in its possession to prove Mr. Beleson's guilt beyond
8 a reasonable doubt?

9 MR. COHEN: It does, your Honor.

10 THE COURT: All right. Mr. Beleson, how do you plead
11 to Count Seven of indictment S1 11 Cr. 614? Guilty or not
12 guilty?

13 THE DEFENDANT: Guilty.

14 THE COURT: Does the government believe any further
15 inquiry needs to be made concerning any subject?

16 MR. COHEN: No, your Honor?

17 THE COURT: Mr. Dyan, do you believe any further
18 inquiry needs to be made concerning any subject?

19 MR. DAYAN: No. Thank you, Judge.

20 THE COURT: Based on Mr. Beleson's physical
21 appearance, his demeanor and his answers to all the foregoing
22 questions, I find that he is fully competent and capable of
23 entering an informed and voluntary plea, that he is aware of
24 the nature of the charge against him and the consequences of
25 the plea and that there is an independent basis in fact as to

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1 each of the essential elements of the offense, that the plea is
2 knowing and voluntary and I therefore accept the plea and
3 recommend that Judge Marrero accept the plea.

4 Has Judge Marrero set a date and time for sentencing?

5 MR. COHEN: Not yet, your Honor.

6 THE COURT: I am going to direct that the government
7 contact Judge Marrero's chambers this afternoon and make sure
8 that Judge Marrero is aware that Mr. Beleson has pled guilty.

9 We will order a presentence report and mark the form
10 that defense counsel should be present for the interview.

11 Anything else from the government?

12 MR. COHEN: Not from the government, your Honor.

13 THE COURT: Mr. Dyan.

14 MR. DAYAN: Thank you, Judge. It was a pleasure.
15 Thank you very much.

16 THE COURT: Thank you, all.

17 (Adjourned)
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24
25



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building

*One Saint Andrew's Plaza
New York, New York 10007*

April 22, 2013

BY HAND AND BY ELECTRONIC MAIL

The Honorable Victor Marrero
United States District Judge
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Chambers 1040
New York, New York 10007

Re: United States v. Alexander Beleson,
S1 11 Cr. 614 (VM)

Dear Judge Marrero:

Defendant Alexander Beleson entered a guilty plea on March 28, 2013 before United States Magistrate Judge Henry B. Pitman. The Government respectfully requests that the Court accept Beleson's guilty plea. Enclosed please find a transcript of the proceedings and a proposed Order accepting the plea. Sentencing is currently scheduled for August 2, 2013, at 2:00 p.m.

Respectfully submitted,

PREET BHARARA
United States Attorney
Southern District of New York

By: /s/
Jonathan Cohen/Michael Ferrara
Assistant U.S. Attorneys
212-637-2408/-2526

Enclosures

Cc: Albert Dayan, Esq.